

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JUSTIN REDMOND, Minor.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

UNPUBLISHED
February 28, 2006

Petitioner-Appellee,

v

SHANNON LYNN BURKE,

Respondent-Appellant.

No. 265060
Calhoun Circuit Court
Family Division
LC No. 2004-002913-NA

Before: Meter, P.J., and Whitbeck, C.J. and Schuette, J.

PER CURIAM.

Respondent appeals as of right from a circuit court terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

Respondent was arrested at a grocery store attempting to use stolen checks and credit cards, while the child was with her. She thereafter failed to comply with the terms of her probation and was returned to jail, then sent to the Kalamazoo Probation Enhancement Program, from which she absconded after only a few hours. Respondent admitted to using marijuana, heroin, and Oxycontin. She maintained that her use of opiates began with prescriptions attendant to medical treatment, but admitted that she had become addicted, and that her various attempts to remedy the situation had failed. A service plan was prepared for respondent, but she failed to appear for appointments or otherwise comply with the plan.

The trial court summarized the extensive evidence of respondent's drug addiction, and total failure to take advantage of services, and concluded that termination of her parental rights was justified under §§ 19b(3)(c)(i), (g), and (j). An appellate court "review[s] for clear error . . . the court's decision that a ground for termination has been proven by clear and convincing evidence." *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

Respondent candidly admits that the record indicates that she had a long-standing and continuing problem with substance abuse, and did not cooperate with the services offered. Respondent in fact challenges none of the trial court's litany of factual findings unfavorable to her, but simply suggests that she might do better if given more time. However, a parent's persistent failure to gain control over a substance abuse problem is a ground for termination of

parental rights. See *In re Conley*, 216 Mich App 41, 44; 549 NW2d 353 (1996). “[T]he Legislature did not intend that children be left indefinitely in foster care, but rather that parental rights be terminated if the conditions leading to the proceedings could not be rectified within a reasonable time.” *In re Dahms*, 187 Mich App 644, 647; 468 NW2d 315 (1991).

Respondent additionally protests that her own grandmother stands ready to take custody. But at issue are respondent’s parental rights, and thus her fitness for parenting responsibilities, not the custodial aspirations of her grandmother.

The undisputed factual findings articulated by the trial court well support the conclusion that termination was appropriate under §§ 19b(3)(c)(i), (g), and (j).

Affirmed.

/s/ Patrick M. Meter
/s/ William C. Whitbeck
/s/ Bill Schuette